

### **REMARKS**

The present remarks are in response to the Office Action dated April 26, 2006, in which the Examiner rejected claims 1-12. Applicants have amended claims 1, 11 and 12 to clarify the recited features. Accordingly, claims 1-12 remain pending. Applicants respectfully respond to the Examiner's Detailed Action and request the Examiner place all claims detailed in the application in a state of allowance in view of the amendments and the following remarks.

#### **A. Rejection under 35 USC 103(a)**

The Examiner has rejected claims 1-12 as being unpatentable over Richter, German Patent 1918055A (hereinafter referred to as "Richter") in view of Wycherley et al., U.S. Patent No. 6,898,283 (hereinafter referred to as "Wycherley"). Applicants respectfully disagree.

Initially, applicants note that Richter does not disclose a housing having a key opening. Although Richter discloses a housing 3, there are no key openings described in Richter. Moreover, Richter does not teach a transparent area integrally associated with a mobile handset housing. In FIG. 2, Richter describes a plastic part 100 made of a transparent plastic which corresponds to the designs of the display field covers 11 or 11', as illustrated in Figs. 1b or 1d (see also, Richter page 8, 3<sup>rd</sup> paragraph). Thus, the display cover in Richter is made to be inserted from the inside into the top housing shell and cannot be integrally associated with the housing, as recited in claim 1. In other words, Richter's display field cover 11 or the plastic part 100 are not integral to Richter's top housing shell 3. To the contrary, the top housing

shell 3 and the transparent plastic part are separate and distinct elements of Richter's mobile communications terminal. Therefore, Richter does not describe a transparent area which is integral to a mobile handset housing.

Additionally, in Applicants' newly amended claim 1, the mobile handset includes a graphical element positioned adjacent the key opening and on a transparent area of the housing, with the graphical element being indicative of a key function and the graphical element being located on the front portion of the housing. However, Richter neither describes nor suggests a graphical element positioned on a transparent area of the housing. None of Richter's elements, i.e., Richter's plastic part 100, display field cover section 101, or logo carrier section 103, include any graphical element positioned adjacent any key opening, much less describe a graphical element being indicative of a key function with the graphical element being located on the housing. Again, Richter's transparent area merely serves as a removable display cover to be inserted into the top housing shell of the mobile terminal. The only graphical element described in Richter is the implementation of an illuminated logo using a logo carrier section 103 (see Richter, page 9, 2<sup>nd</sup> paragraph) which cannot be equated with Applicant's recited graphical element positioned adjacent a key opening on a transparent area.

The object of Richter is to provide a mobile communications terminal to have a great advertising effect using simple and cost-effective means by making the logo more clear (see Richter, page 2, fourth paragraph). Even, assuming *arguendo*, that the logo may be equated with some type of graphical element, Richter nowhere discloses that the logo may be positioned adjacent a key opening. Instead, the logo 15 is located on the top of the display field section 13 (see Richter, Fig. 1a). In fact,

Richter teaches away from the elements as recited in Applicants' claims because if the logo 15 were to be positioned adjacent a key opening, which Applicants submit Richter does not show, the design of the mobile terminal would be wholly unworkable and undesirable because of the space limitations given the size of the logo and the location of the keys.

Furthermore, the passage identified in the office action as disclosing "the graphical element positioned on the transparent area," namely page 8 paragraph 3 of Richter, merely provides a description of a plastic part 100, a display field cover section 101 and a logo carrier section 103 with reference to Fig. 2. Again, nowhere in this passage are the claim elements of Applicants' claims above taught or suggested. Richter includes no graphical elements positioned anywhere adjacent any key openings, nor does it describe or suggest any graphical element being indicative of a key function. Therefore, Richter fails to disclose the newly recited features of claim 1.

Next, the Examiner acknowledges that Richter does not disclose graphical elements on the transparent area being indicative of a key function. However, Wycherley is cited as providing these missing features. Again, Applicants disagree.

Wycherley's invention is directed to a removable exchangeable cover to be used with a portable radio communication device (see Wycherley, col. 1, lines 23-25). To this end, Wycherley describes the ability to associate aspects of the operating characteristics of the device such as sounds and/or graphics related to ring tones, musical alerts, animation, screen savers, bookmarks, games, memory preferences and the like, with different phone covers (see, Wycherley, col. 2, lines 46-49; col. 4, lines 20-41). Thus, Wycherley describes graphics which are

associated with some operating features of a phone rather than teaching graphical elements positioned adjacent a key opening being indicative of a key function, with the graphical element being located on the front portion of the phone housing, as recited in claim 1.

Wycherley explains that the removable housing cover may have graphics associated with, for example, a user's favorite music band printed on the cover's outward surface, such as a band's logo (Wycherley, col. 3, lines 8-11). However, the graphics as taught are associated with a musical band or some advertisement. This is significantly different from what Applicants claim. Simply put, Wycherley teaches no graphical elements which are positioned adjacent to key openings indicating a key function.

Wycherley further explains that its removable cover contains graphics and other indicia printed on its outward-facing surface (Wycherley, col. 3, lines 41-43). However, again, such graphics and printed indicia are related to information about the removable cover, which cannot be equated with a graphical element as recited in the newly amended claim 1. Therefore, Wycherley does not describe, teach or suggest a graphical element which is positioned adjacent the key opening and is indicative of a key function.

With respect to claim 5-8, because Richter fails to teach the graphical elements as recited in Applicants' claims, these dependent features are not taught by Richter.

With respect to claim 10, the Examiner stated that Richter discloses a layer of opaque coating on the graphics surface area of the housing by identifying some

passages in Richter as describing this feature. However, this passage only mentions that the display field cover is made opaque.

Furthermore, Richter discloses that the plastic part 100 including the logo carrier section 103 is inserted from the inside into a top housing shell. This effectively means that the display field section cannot be part of the top housing shell (see Richter, page 8, paragraph 3). Since Richter's display field cover must be separated from the housing and the display field cover is opaque, it cannot logically follow that Richter teaches an opaque coating on the graphics surface area of the housing because Richter's cover is not part of the housing. In other words, Richter only teaches that the display region can be made opaque with a dark background, but it certainly does not teach or suggest that the graphics area of the housing have at least one layer of an opaque coating.

Richter is further cited as disclosing all the elements of the mobile handset according to claims 11 and 12, which are unpatentable. Applicants disagree.

Richter, either alone or in combination with any other reference, does not describe or suggest all the limitations of amended claim 11. Claim 11 requires a "translucent housing" with an opaque coating with graphical elements providing a negative image within said coating. Richter does not disclose a translucent housing nor any graphical elements located on the translucent housing. Rather, Richter discloses a separate display field cover, having a display field cover section 101 and a logo carrier section 103, which can be made of transparent plastic, may be inserted into a housing shell, and is not part of the top housing shell. Therefore, Richter does not render claim 11 unpatentable.

Additionally, claim 11 recites that the mobile handset has at least one layer of an opaque coating upon at least the outer surface of the housing. As described above with reference to the explanation about claim 10, Richter only describes that display field cover may be opaque. Again, since the plastic part 100 including the display field cover section 101 is inserted from the inside into the top housing shell, the display field cover cannot form part of the top housing shell. Therefore, for the same reasons, Richter does not teach nor suggest that the housing has an opaque coating.

Furthermore, claim 11 also recites that the mobile handset has graphical elements located on the housing, with the graphical elements positioned adjacent key openings on the housing and being indicative of a key function, and including a negative image within the coating to expose the housing outer surface through the graphical elements. As described previously, Richter does not disclose the graphical elements as recited in claim 11. And even if we were to assume, *arguendo*, that Richter's exemplary logo may be equated with a graphical element, Richter explains that the plastic part 100 including the logo carrier section 103 must be inserted from the inside into a top housing shell. Thus, the logo carrier section cannot be part of the top housing shell. In other words, the logo (graphical element) is not located on the housing. Consequently, Richter fails to teach or suggest all the limitations of the newly amended claim 11.

Additionally, newly amended claim 12 recites, *inter alia*, "at least the front portion of said housing formed from light transmitting material; an opaque layer covering selected portions of said light transmitting housing front portion defining the

edges of graphical element, wherein said graphical elements are located on the front portion of said light transmitting housing."

However, Richter does not describe or suggest a front housing formed from light transmitting material much less an opaque layer covering selected portions of the housing front portion defining the edges of graphical elements.

First, Richter does not describe that the handset housing is formed from any light emitting material. In fact, within the passages identified by the Examiner, Richter only shows a plastic part 100 made of transparent plastic, inserted from the inside into a top housing shell where the plastic part has a display field cover section 101 protruding out of top 100a and a logo carrier section 103 (see Richter, page 8, paragraph 8). This passage nowhere describes how the front portion of the housing is formed from light emitting materials.

Similarly, Richter does not describe an opaque layer covering selected portions of the light transmitting housing front portion defining the edges of graphical elements. Richter discloses the use of separate, distinct display field covers, which can be attached or inserted into the housing display: "...a display field over 11' is inserted from behind into display field housing section 13" (see Richter, page 6, paragraph 6). And as previously discussed, Richter does not describe graphical elements as recited in Applicants' claims. Even if we were to assume that Richter's logo may be equated with a graphical element of claim 12, Richter states that the logo is made in the form of a printed transparent film carrier or a printed plastic film, which may also be used as a backing with an opaque film having openings corresponding to the elements of the logo (see Richter, reference number 21, Fig. 1b; page 3, paragraphs 1-2). The film is on the opaque material of the top housing

shell 3 and does not form part of the housing (see Richter, Fig. 1b; page 7, paragraph 1). As a result, as the logo (graphical elements) is printed in the film and the film is separate and distinct from the housing, the logo is not located on the housing. However, as recited in claim 12, the opaque layer covering selected portions of the housing front portion defines the edges of the graphical elements, and the graphical elements are located on the housing.

Moreover, the mobile handset also includes an electroluminescent panel arranged within the housing so that visible light is emitted through areas of the housing front portions not covered by the opaque layer.

In Richter, the logo or the display is illuminated by a lighting device (one or more LEDs), so the visible light may be emitted through areas of the logo carrier or display field cover section, which means the visible light is not emitted from a housing (Richter, page 4, paragraphs 2, 3). However, in claim 12, the visible light is emitted through areas of the housing front portions. And the plastic part 100 has a display field cover section 101 and the logo carrier section is inserted from the inside into a top housing shell, which means that the display field cover section and the logo carrier section are part of the housing. Therefore, Richter does not teach an electroluminescent panel arranged within the housing so that visible light is emitted through areas of the housing front portions not covered by said opaque layer, as recited in claim 12. Consequently, Richter does not describe nor suggest the features of claim 12.

Therefore, the limitations of independent claims 1, 11 and 12 are not taught or suggested by Richter, either alone or in combination with any other reference such as Wycherley. Since independent claim 1 overcomes the 35 USC §103 rejections,


Applicants respectfully request that each of the claims 2-10 also overcome the obviousness rejection by way of their dependencies.

**B. Conclusion**

For all the foregoing reasons, allowance of claims 1-12 pending in the present application is respectfully requested. If necessary, applicants request, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a). The Director is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp.

Respectfully Submitted,

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